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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,057	07/30/2003	Stephen M. Gardner	139146USNP	8774

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ALCATEL USA
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3400 W. PLANO PARKWAY, MS LEGL2
PLANO, TX 75075

EXAMINER	
CHAN, SAI MING	
ART UNIT	**PAPER NUMBER**
2609	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/630,057	GARDNER ET AL.	
	Examiner	Art Unit	
	Sai-Ming Chan	2609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 July 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *11/17/2003 and 9/27/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statements (IDS) submitted on November 17, 2003 and September 27, 2004 have been considered by the Examiner and made of record in the application file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7-11 and 13-16 are rejected under 35 U.S.C. 102(e) as being anticipated by **Mishra et al. (U.S. Patent #7185075)**.

Consider **claim 1,** Mishra et al. clearly disclose and show a method of generating a database (column 4, lines 46-58) of connection endpoints (column 2, lines 66-67; column 3, lines 1-3 (cards in network element); fig. 1 (netsmart client workstations)) between a sub-network of network elements (fig. 1 (distributed servers)), where the network elements are connected through a high speed network (fig. 1(wan); column 1, lines 51-56), comprising the steps of:

transmitting source endpoint identifiers (column 4, lines 44-59 (the messages are parsed by the process for the info); fig. 24 ("from")) on outgoing channels of some or all of the network elements (column 4, lines 60-64);

on a particular network element, receiving source endpoint identifiers from other network elements on incoming channels and associating the source endpoint identifiers with destination endpoint identifiers (fig. 24 ("from" and "to"); column 27, lines 58-67 (crossconnect)); and

generating a database (column 4, lines 45-59 (database is updated with info from the messages) responsive to receiving the associated source and destination endpoint identifiers.

Consider **claim 2,** and **as applied to claim 1 above,** Mishra et al. clearly disclose and show a method wherein the generating step comprises the step of transmitting

associated source and destination endpoint identifiers (column 27, lines 59-67 (managing crossconnects)) to a central control processor (column 10, lines 36-50 (central station)).

Consider **claim 3,** and **as applied to claim 2 above,** Mishra et al. clearly disclose and show a method wherein each network element maintains a table (column 18, lines 47-67 (squelch table)) associating received source endpoint identifiers to corresponding destination endpoint identifiers.

Consider **claim 4,** and **as applied to claim 1 above,** Mishra et al. clearly disclose and show a method and further comprising the step of assigning a numeric identifier (column 32, lines 35-43 (fig. 24 (the "from" and "to" are numeric)) to each network element.

Consider **claim 5,** and **as applied to claim 4 above,** Mishra et al. clearly disclose and show a method wherein the transmitting step comprises the step of transmitting source endpoint identifiers including the numeric identifier of the network element transmitting the source endpoint identifier (column 4, lines 44-59).

Consider **claim 7,** Mishra et al. clearly disclose and show a communication system, comprising:

a high speed network (fig. 1(wan); column 1, lines 51-56);

a sub-network of network elements (fig. 1 (distributed servers)) connected through the high speed network, said network elements including circuitry for:

transmitting source endpoint identifiers on outgoing channels (column 4, lines 44-59; fig. 24 ("from")) ;

receiving source endpoint identifiers from other network elements on incoming channels (fig. 24 ("from" and "to"); column 27, lines 58-67 (crossconnect)); and

associating the source endpoint identifiers with destination endpoint identifiers (fig. 24; column 27, lines 58-67 (crossconnect)); and

a central control processor (column 10, lines 36-50 (central station)) for maintaining a database (column 4, lines 45-59) responsive to receiving the associated source and destination endpoint identifiers.

Consider **claim 8,** and **as applied to claim 7 above,** Mishra et al. clearly disclose and show a communication system wherein the network elements transmit associated source and destination endpoint identifiers (fig. 24; column 27, lines 58-67

(crossconnect)) to the central control processor (column 10, lines 36-50 (central station)).

Consider **claim 9,** and **as applied to claim 8 above,** Mishra et al. clearly disclose and show a communication system wherein each network element maintains a table (column 18, lines 47-67 (squelch table)) associating received source endpoint identifiers to corresponding destination endpoint identifiers.

Consider **claim 10,** and **as applied to claim 7 above,** Mishra et al. clearly disclose and show a communication system wherein the central control processor assigns a numeric identifier (column 32, lines 35-43, fig. 24 (the "from" and "to" are numeric)) to each network element.

Consider **claim 11,** and **as applied to claim 10 above,** Mishra et al. clearly disclose and show a communication system wherein the network elements transmit source endpoint identifiers including the numeric identifier of the network element transmitting the source endpoint identifier (column 4, lines 44-59).

Consider **claim 13,** Mishra et al. clearly disclose and show a network element for connecting with other network elements through a server network, comprising:

circuitry for transmitting source endpoint identifiers on outgoing channels (column 4, lines 45-59; fig. 24 ("from"));

circuitry for receiving source endpoint identifiers from other network elements on incoming channels (fig. 24; column 27, lines 58-67 (crossconnect); fig. 24 ("from" and "to")); and

circuitry for associating the source endpoint identifiers with destination endpoint identifiers (fig. 24; column 27, lines 58-67 (crossconnect)).

Consider **claim 14,** and **as applied to claim 13 above,** Mishra et al. clearly disclose and show a network element wherein said transmitting circuitry comprises circuitry for transmitting associated source and destination endpoint identifiers (column 4, lines 45-59) to the central control processor (column 10, lines 36-50 (central station)).

Consider **claim 15,** and **as applied to claim 14 above,** Mishra et al. clearly disclose and show a network element wherein said associating circuitry comprises circuitry for maintaining a table (column 18, lines 47-67 (squelch table)) associating received source endpoint identifiers to corresponding destination endpoint identifiers.

Consider **claim 16,** and **as applied to claim 13 above,** Mishra et al. clearly disclose and show a network element wherein the transmitting circuitry comprises circuitry for transmitting a numeric identifier associated with the network element (column 4, lines 44-59).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 6, 12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Mishra et al. (U.S. Patent Publication #7185075).**

Consider **claims 6, 12 and 17,** and **as applied to 1, 7 and 13 above,** Mishra et al. disclose the use of a SONET network as an example of their communication system (figs. 21-23; column 5, lines 41-44; column 29, lines 56-63). However, they do not specifically disclose transmitting source endpoint identifiers on path overhead fields of outgoing channels.

Nonetheless, the Examiner takes Official Notice of the fact that it is notoriously well known in the art to transmit source endpoint identifiers on path overhead fields of outgoing channels in a SONET communication system.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use path overhead fields to transmit the identifiers

as known in the art in the method, system and element of Mishra et al. for the purpose of optimal communication.

Conclusion

Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to**:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Sai-Ming Chan whose telephone number is (571) 270-1769. The Examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Rafael Pérez-Gutiérrez can be reached on (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Sai-Ming Chan
S.C./ sc

May 8, 2007

RAFAEL PEREZ-GUTIERREZ
SUPERVISORY PATENT EXAMINER
5/10/07